

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

IN RE:

JORI PLUNKETT

Debtor

CASE NO. 17 B 26472

CHAPTER 13

JUDGE JACQUELINE P COX

NOTICE OF MOTION

Please take notice that on June 27, 2022, at 9:00 a.m., I will appear before the Honorable Judge JACQUELINE P COX, or any judge sitting in the judge's place and present the motion set forth below.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 414 7941 and the passcode is 619. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

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/s/ Thomas H. Hooper
Thomas H. Hooper
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

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**TRUSTEE'S MOTION TO DISMISS WITH PREJUDICE WITH
BAR TO REFILING**

Now comes Thomas H. Hooper, Trustee in the above-captioned case, and moves this Honorable Court to enter an Order to dismiss this case with prejudice and a prohibition on refiling, pursuant to 11 USC § 349(a) and 1307(c). In support thereof states as follows:

1. Debtor filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code on September 1, 2017.
2. The Debtor's chapter 13 plan was confirmed on October 30, 2017.
3. Between November 2020 and April 2021, the Debtor attempted to make a series of payments through the Trustee's electronic payment method (ePay), more particularly detailed on the Trustee's Motion for Examination at Court Doc. #68.
4. Not fewer than twenty-eight (28) payments drawn on multiple accounts and in varying amounts were rejected by the Trustee's ePay system due to accounts being frozen, transactions being unauthorized, insufficient funds, and/or other limitations from the originating financial institution.
5. At least twelve electronic payments, drawn on varying accounts and in varying amounts, were successfully processed through the ePay system between November 2020 and April 2021.
6. Upon information and belief, some account holders at the originating institutions have initiated stop payments and/or executed unauthorized ACH return forms for some of the transactions at issue.
7. Due to the unusual transaction history, particularly the sheer number of transactions, number of accounts, and varying payment amounts, the Trustee moved to examine the Debtor and require evidence of the source of funds and authority of the Debtor to access the accounts at issue.

8. By order dated 12/20/2021, this Court ordered the Debtor to appear for examination under Federal Rule of Bankruptcy Procedure 2004 and to provide statements or other evidence to the Trustee to substantiate the source of payments both made and rejected by the ePay system.

9. While the Debtor provided some incomplete statements, the statements provided contained internal inconsistencies and anomalies such that the Trustee has questioned their authenticity. The Trustee subsequently requested complete and certified statements.

11. The Debtor has failed to provide any additional information or documentation to allay the Trustee's concerns regarding the source of funds.

12. Rather than complying with the Order of this Court by providing the required documentation, the Debtor sought voluntary dismissal of the instant case. See Court Doc. #70.

13. Because the Debtor failed to provide the information ordered by this Court, the Trustee was not able to conduct a comprehensive examination of the Debtor and the source of funds at issue remains uncertain.

14. Pursuant 11 USC § 1307(c) this Court may dismiss the instant case, "for cause."

15. Pursuant to 11 U.S.C § 349(a) this Court may dismiss the instant case with prejudice and/or dismiss the instant case with a bar to discharge of debts, "for cause."

16. The Trustee asserts that the facts in the instant case, including Debtor's failure to cooperate with the examination ordered by this Court and subsequent filing for voluntary dismissal, are sufficient to warrant dismissal for cause.

17. The Trustee requests in this case a dismissal for cause, including a permanent bar to discharge of all debts under the bankruptcy code.¹

WHEREFORE, pursuant to 11 USC § 349(a) and 1307(c), the Trustee respectfully requests that this Honorable Court enter an Order dismissing the Debtor's case for cause with a permanent bar to discharge of all debts under the bankruptcy code.

Respectfully submitted,
/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe, Suite 3580
Chicago IL 60603
(312) 294-5900

¹ The Trustee notes that he is holding \$21,371.64 in the instant case and will be seeking court authority as to how to refund the funds should the instant case be dismissed.

CERTIFICATE OF SERVICE

I certify that this office caused a copy of this notice to be delivered to the parties listed below by depositing it in the U.S. Mail at 55 East Monroe, Chicago, Illinois on June 17, 2022.

Jori Plunkett, **Via First Class US Mail**
1325 S. Kedzie Ave, Apt 304
Chicago, IL 60623

Kashwal P Kaur, **Via ECF**
The Semrad Law Firm
20 S. Clark St, 28th Floor
Chicago, IL 60603

Patrick Semrad, **Via ECF**
The Semrad Law Firm, LLC
20 S. Clark St., 28th Floor
Chicago, IL 60603

Patrick S. Layng, **Via ECF**
United States Department of Justice
Office of the United Stated Trustee
219 S. Dearborn St., Room 873
Chicago, IL 60604

Respectfully submitted,
/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe, Suite 3580
Chicago IL 60603
(312) 294-5900